

SCOTT R. BROWN (CSB# 151635)  
MICHAEL B. HURD (Admitted *Pro Hac Vice*)  
DAVID V. AYRES (Admitted *Pro Hac Vice*)  
HOVEY WILLIAMS LLP  
2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108-2519  
Phone: (816) 474-9050  
Fax: (816) 474-9057

Attorneys for the Plaintiffs and Counter-Defendants  
NELLCOR PURITAN BENNETT, INC. and  
BOARD OF REGENTS, THE UNIVERSITY OF  
TEXAS SYSTEM.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NELLCOR PURITAN BENNETT, INC., and  
BOARD OF REGENTS, THE UNIVERSITY  
OF TEXAS SYSTEM

Plaintiffs and Counter-  
Defendants,

v.

SMITHS MEDICAL INTERNATIONAL  
LTD., et al.,

Defendants and Counter-  
Plaintiffs.

Case No. 04-1934 VRW

**STIPULATION OF DISMISSAL OF  
SMITHS MEDICAL INTERNATIONAL  
LTD. AND SMITHS MEDICAL ASD, INC.**

WHEREAS, Nellcor Puritan Bennett, Inc. and Board of Regents, the University of Texas System ("Plaintiffs") and Smiths Medical International Ltd. and Smiths Medical ASD, Inc. ("Smiths Entities") have settled this matter based on the terms set forth in the confidential Settlement and License Agreement having an effective date of April 1, 2006;

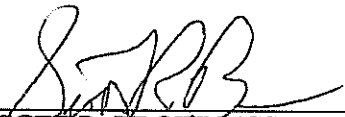
Plaintiffs and the Smiths Entities, by and through their counsel, hereby agree, stipulate and request that each of their claims against each other, but excluding Plaintiffs' claims against the remaining defendants, be dismissed, with prejudice, each party to bear its own respective costs and attorney fees.

1 Read and Approved:

2 HOVEY WILLIAMS LLP

3  
4 Dated: August 5, 2006

By

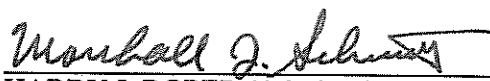
  
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2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108

7 ATTORNEYS for the Plaintiffs and Counter-  
8 Defendants NELLCOR PURITAN BENNET, INC.  
9 and MALLINCKRODT INC.

10  
11 JENNER & BLOCK LLP

12  
13 Dated: August 1, 2006

By

  
HARRY J. ROPER (Admitted *Pro Hac Vice*)  
MARSHALL J. SCHMITT (Admitted *Pro Hac Vice*)  
One IBM Plaza  
Chicago, Illinois 60611

16 ATTORNEYS for the Defendants and Counter-  
17 Plaintiffs SMITHS INTERNATIONAL LTD.  
18 and SMITHS MEDICAL ASD, INC.

19 SO ORDERED:

20 Dated: August 16, 2006

  
United States District Judge